



General Assembly

Substitute Bill No. 6594

January Session, 2003

AN ACT CONCERNING MUNICIPAL ETHICS, MUNICIPAL WHISTLEBLOWER PROTECTIONS AND THE INVESTIGATION OF MUNICIPAL CORRUPTION, PROHIBITING PERSONS CONVICTED OF CERTAIN CRIMES FROM BEING CANDIDATES FOR OR HOLDING PUBLIC OFFICE AND EXPANDING THE PROHIBITION ON THE USE OF PUBLIC RESOURCES FOR CAMPAIGN PURPOSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) Notwithstanding any
2 provision of the general statutes or any special act, municipal charter
3 or municipal ordinance, the provisions of sections 2 to 12, inclusive, of
4 this act shall apply to each town, city, borough and district, as defined
5 in section 7-324 of the general statutes, except that (1) the
6 establishment of an ethics agency by a town, city, borough or district
7 pursuant to section 7-148h of the general statutes, as amended by this
8 act, before the effective date of this section, shall supercede the
9 provisions of section 3 of this act requiring the establishment of a
10 municipal ethics commission and the provisions of subsection (c) of
11 section 5 of this act concerning voting by commission members, and
12 (2) the provisions of any code of ethical conduct adopted by a town,
13 city, borough or district before or after the effective date of this section
14 under subdivision (10) of subsection (b) of section 7-148 of the general
15 statutes or section 7-148h of the general statutes, as amended, shall
16 supercede the provisions of sections 2 to 12, inclusive, of this act only

17 to the extent such municipal code provides greater ethical protections
18 than the provisions of sections 2 to 12, inclusive, of this act, as
19 determined by the legislative body of such town, city, borough or
20 district.

21 Sec. 2. (NEW) (*Effective October 1, 2003*) As used in sections 2 to 12,
22 inclusive, of this act:

23 (1) "Business" means any entity through which business for profit or
24 not-for-profit is conducted, including a corporation, partnership,
25 proprietorship, firm, enterprise, franchise, association, organization or
26 self-employed individual.

27 (2) "Business with which he is associated" means a business of
28 which a public official or public employee or a member of his
29 immediate family is a director, officer, owner, employee, compensated
30 agent or holder of stock which constitutes five per cent or more of the
31 total outstanding stock of any class.

32 (3) "Code" means sections 2 to 12, inclusive, of this act.

33 (4) "Confidential information" means information, whether
34 transmitted orally or in writing, which is obtained by reason of the
35 public position or office held and is of such nature that it is not, at the
36 time of transmission, a matter of public record or public knowledge.

37 (5) "Commission" means a municipal ethics commission established
38 in section 3 of this act.

39 (6) "Financial interest" means any interest with a monetary value of
40 one hundred dollars or more or which generates a financial gain or
41 loss of one hundred dollars or more in a calendar year.

42 (7) "Gift" means anything of value, including entertainment, food,
43 beverage, travel and lodging given or paid to a public official or public
44 employee to the extent that consideration of equal or greater value is
45 not received. A gift does not include:

46 (A) A political contribution otherwise reported as required by law
47 or a donation or payment as described in subdivision (9) or (11) of
48 subsection (b) of section 9-333b of the general statutes;

49 (B) Services provided by persons volunteering their time;

50 (C) A commercially reasonable loan made on terms not more
51 favorable than loans made in the ordinary course of business;

52 (D) A gift received from (i) an individual's spouse, fiancé or fiancée,
53 (ii) the parent, brother or sister of such spouse or such individual, or
54 (iii) the child of such individual or the spouse of such child;

55 (E) Goods or services which are provided to the municipality or
56 special district and facilitate governmental action or functions;

57 (F) A certificate, plaque or other ceremonial award costing less than
58 one hundred dollars;

59 (G) A rebate or discount on the price of anything of value given in
60 the ordinary course of business without regard to the recipient's status;

61 (H) Printed or recorded informational material germane to
62 governmental action or functions;

63 (I) Items of nominal value, not to exceed ten dollars, containing or
64 displaying promotional material;

65 (J) An honorary degree bestowed upon a public official or public
66 employee by a public or private university or college;

67 (K) A meal provided at an event or the registration or entrance fee
68 to attend such an event, in which the public employee or public official
69 participates in said person's official capacity;

70 (L) A meal provided in the home by an individual who resides in
71 the municipality or special district; or

72 (M) Gifts in-kind of nominal value not to exceed twenty-five dollars

73 tendered on gift-giving occasions generally recognized by the public
74 including Christmas, Hanukkah, birthdays, the birth or adoption of a
75 child, weddings, confirmations or bar or bat mitzvahs, provided the
76 total value of such gifts in any calendar year do not exceed fifty
77 dollars.

78 (8) "Immediate family" means any spouse, child or dependent
79 relative who resides in the individual's household.

80 (9) "Individual" means a natural person.

81 (10) "Municipality" means a town, city or borough.

82 (11) "Official responsibility" means the direct administrative or
83 operating authority, whether intermediate or final and whether
84 exercisable personally or through subordinates, to approve,
85 disapprove or otherwise direct government action.

86 (12) "Person" means an individual, sole proprietorship, trust,
87 corporation, union, association, firm, partnership, committee, club or
88 other organization or group of persons.

89 (13) "Personal interest" means an interest in any action taken by the
90 municipality or special district in which an individual will derive a
91 nonfinancial benefit or detriment but which will result in the
92 expenditure of municipal funds.

93 (14) "Public employee" means a person employed, whether full or
94 part time, by a municipality or a special district.

95 (15) "Public official" means an elected or appointed official, whether
96 paid or unpaid or full or part time, of a municipality or political
97 subdivision thereof, or a special district, including candidates for the
98 office and shall also include a district officer elected pursuant to
99 section 7-327 of the general statutes.

100 (16) "Special district" means a district established pursuant to
101 section 7-324 of the general statutes.

102 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) Each municipality and
103 special district shall establish a municipal ethics commission consisting
104 of five members. The members shall be appointed by a vote of two-
105 thirds of the members of the legislative body of the municipality or
106 special district who are present and voting. The members of a
107 municipal ethics commission shall serve a term of three years, except
108 that, of the initially appointed members, one shall serve for one year,
109 two for two years, and two for three years. No individual shall be
110 appointed to more than one three-year term, provided a member may
111 continue in office until a successor has been appointed. No more than
112 three shall be members of the same political party. Two or more
113 municipalities or special districts may jointly establish a municipal
114 ethics commission required under this section.

115 (b) All members of a municipal ethics commission shall be electors
116 of the municipality or special district establishing the commission. No
117 member of a municipal ethics commission shall: (1) Hold or campaign
118 for any public office; (2) have held public office or have been a
119 candidate for public office for a two-year period prior to appointment;
120 (3) hold office in any political party or political committee; (4) serve as
121 a member of any other agency of such municipality or district; or (5) be
122 a public official or public employee of the municipality or special
123 district that established such municipal ethics commission or an
124 official or employee of a quasi-public agency of such municipality or
125 special district.

126 (c) (1) Although any member or employee of a commission shall
127 have an unrestricted right to vote, make political contributions or
128 attend fundraising or other political events, no member or employee
129 shall publicly support any candidate for any municipal or special
130 district office subject to the commission's jurisdiction, including, but
131 not limited to, volunteering as a campaign worker, giving a speech at
132 a political event or formally endorsing a candidate. (2) No candidate
133 for municipal or special district office may disseminate information
134 that indicates that a commission member or employee supports the
135 candidate's candidacy.

136 (d) The members of a commission shall elect a chairperson who
137 shall preside at meetings of the commission and a vice-chairperson to
138 preside in the absence of the chairperson. Three members shall
139 constitute a quorum. A majority vote of the commission shall be
140 required for action of the commission. The chairperson or any three
141 members may call a meeting of the commission.

142 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) The municipal ethics
143 commission shall: (1) Compile and maintain a record of all reports,
144 advisory opinions, statements and memoranda filed by and with the
145 commission to facilitate public access to such reports and statements;
146 (2) issue advisory opinions with regard to the requirements of this
147 code upon the request of any person. Advisory opinions rendered by
148 the commission, until amended or revoked, shall be binding on the
149 commission and shall be deemed to be final decisions of the
150 commission. Any advisory opinion concerning the person who
151 requested the opinion and who acted in reliance thereon, in good faith,
152 shall be an absolute defense in any matter brought under the
153 provisions of this code; and (3) report annually on or before February
154 first to the legislative body of the municipality or special district,
155 summarizing the activities of the commission.

156 (b) The commission may adopt, after a public hearing, rules and
157 regulations not inconsistent with the code for the administration and
158 implementation of the code.

159 (c) The commission may employ necessary staff or outside counsel
160 within available appropriations.

161 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) (1) Upon the complaint of
162 any person on a form prescribed by the municipal ethics commission,
163 signed under penalty of false statement, or upon its own complaint,
164 the commission shall investigate any alleged violation of the code.

165 (2) Not later than ten days after the receipt or issuance of such
166 complaint, the commission shall provide notice of such receipt or
167 issuance and a copy of the complaint by registered or certified mail to

168 any respondent against whom such complaint is filed and shall
169 provide notice of the receipt of such complaint to the complainant.

170 (3) If the complaint has been filed by a member of the public, the
171 commission shall review the complaint to determine whether or not
172 the allegations contained therein constitute a violation of any provision
173 of the code. If the commission determines that the complaint does not
174 allege sufficient acts to constitute a violation, the commission shall
175 dismiss the complaint and duly notify the complainant and respondent
176 by registered or certified mail.

177 (4) If the commission determines that the complaint alleges
178 sufficient acts to constitute a violation, then within thirty days after so
179 determining, the commission shall fix a date for the commencement of
180 the hearing on the allegation contained in the complaint. The hearing
181 date regarding any complaint shall be not more than sixty days after
182 the filing of the complaint.

183 (b) (1) In the conduct of its investigation of an alleged violation of
184 the code, the commission shall have the power to hold hearings,
185 administer oaths, examine witnesses, receive oral and documentary
186 evidence, subpoena witnesses and require the production for
187 examination by the commission of any books and papers which the
188 commission deems relevant in any matter under investigation or in
189 question. In the exercise of such powers, the commission may use the
190 services of the municipal police, who shall provide the same upon the
191 commission's request.

192 (2) The respondent shall have the right to appear and to be
193 represented by legal counsel and to examine and cross-examine
194 witnesses at any such hearing. Any hearing conducted by the
195 commission shall be governed by the administrative rules of evidence.

196 (c) The commission shall make no finding that there is a violation of
197 any provision of the code except upon the concurring vote of at least
198 four of its members.

199 (d) No complaint may be made under the code except within five
200 years after the violation alleged in the complaint has been committed.

201 (e) After receipt of information from an individual, the commission
202 shall not disclose the identity of such individual without the
203 individual's consent unless the commission determines that such
204 disclosure is unavoidable during the course of an investigation.

205 Sec. 6. (NEW) (*Effective October 1, 2003*) (a) Each complaint under
206 section 5 of this act and the record of the commission's investigation
207 shall remain confidential, except upon the request of the respondent,
208 unless the commission determines that there is probable cause that a
209 violation was committed. No complainant, respondent, witness,
210 designated party or commission or staff member shall disclose to any
211 third party any information learned from an investigation of a
212 complaint, including knowledge of the existence of a complaint, which
213 the disclosing party would not otherwise have known.

214 (b) The commission shall inform the complainant and the
215 respondent of its finding with regard to the complaint and provide
216 them a summary of its reasons for making such a finding by registered
217 or certified mail not later than three business days after termination of
218 the hearing. The commission shall make public a finding of a violation
219 not later than five business days after the termination of the hearing.
220 At such time, the entire record of the investigation shall become public.

221 (c) Any respondent aggrieved by a decision of the commission
222 regarding a finding of a violation may, within thirty days, take an
223 appeal to the superior court for the judicial district in which the
224 municipality or special district is located.

225 Sec. 7. (NEW) (*Effective October 1, 2003*) Violation of any provision of
226 sections 8 to 12, inclusive, of this act shall constitute grounds for, and
227 may be punished by (1) public censure and reprimand, (2) in the case
228 of a public employee, dismissal from employment or suspension from
229 employment for not more than ninety days without pay, (3) a civil
230 penalty of not more than two thousand dollars per violation, or (4)

231 restitution of any pecuniary benefits received because of the violation
232 committed.

233 Sec. 8. (NEW) (*Effective October 1, 2003*) (a) No public employee or
234 public official shall engage in or participate in any business or
235 transaction, including outside employment with a private business, or
236 have an interest, direct or indirect, that is incompatible with the proper
237 discharge of the employee's or official's responsibilities in the public
238 interest or that would tend to impair the employee's or official's
239 independent judgment or action in the performance of the employee's
240 or official's responsibilities.

241 (b) (1) No public employee or public official shall solicit or accept
242 any gift from any person that, to the employee's or official's
243 knowledge, is interested in any pending matter within such
244 individual's official responsibility.

245 (2) If a prohibited gift is offered, the employee or official shall refuse
246 it, return it, pay the donor the full value of the gift or donate it to a
247 nonprofit organization, provided the employee or official does not take
248 the corresponding tax deduction or credit. Alternatively, the gift may
249 be deemed to be a gift to the municipality or special district, provided
250 it remains in the municipality's or special district's possession
251 permanently.

252 (c) (1) A public employee or public official shall refrain from voting
253 upon or otherwise participating in any matter on behalf of the
254 municipality or special district if he, a business with which he is
255 associated, or a member of his immediate family, has a financial or
256 personal interest in the matter, including, but not limited to, the sale of
257 real estate, material, supplies or services to the municipality or special
258 district.

259 (2) If such participation is within the scope of the public employee's
260 or public official's official responsibility, the employee or official shall
261 provide written disclosure, which sets forth in detail the nature and
262 extent of such interest, to the commission.

263 (3) Notwithstanding the prohibition in subdivision (1) of this
264 subsection, a public employee or public official may vote or otherwise
265 participate in a matter that involves a determination of general policy
266 if the employee's or official's interest in the matter is shared with a
267 substantial segment of the population of the municipality or special
268 district.

269 (d) (1) Except for a public official who receives no compensation for
270 service to the municipality or special district other than per diem
271 payments and reimbursement of expenses, no public employee or
272 public official shall appear on behalf of private interests before any
273 board, agency, or committee of the municipality or special district.

274 (2) Except for a public official who receives no compensation for
275 service to the municipality or special district other than per diem
276 payments and reimbursement of expenses, no public employee or
277 public official shall represent private interests against the interest of
278 the municipality or special district in any litigation to which the
279 municipality or special district is a party.

280 (e) Nothing in the code shall prohibit or restrict a public employee
281 or public official from appearing before any board or commission of
282 the municipality or special district on the employee's or official's own
283 behalf, or from being a party in any action, proceeding or litigation
284 brought by or against the public employee or public official to which
285 the municipality or special district is a party.

286 (f) No public employee or public official shall disclose confidential
287 information concerning municipal affairs, nor shall a public employee
288 or public official use such information for the financial interests of the
289 employee or official or others.

290 (g) No public employee or public official shall request or permit the
291 use of municipally-owned vehicles, equipment, facilities, materials or
292 property for personal convenience or profit, except when such are
293 available to the public generally or are provided as municipal policy
294 for the use of such public employee or public official in the conduct of

295 official business.

296 (h) No public employee or public official, or a business with which
297 he is associated, or a member of his immediate family shall enter into a
298 contract with the municipality or special district unless the contract is
299 awarded through a process of public notice and competitive bidding.

300 (i) No public employee or public official may use the employee's or
301 official's position or office for the financial benefit of the employee or
302 official, a business with which he is associated or a member of his
303 immediate family.

304 (j) No public employee or public official shall accept a fee or
305 honorarium for an article, appearance or speech, or for participation at
306 an event, in the employee's or official's official capacity.

307 (k) No public employee or public official, or member of such
308 individual's immediate family or business with which he is associated,
309 shall solicit or accept anything of value, including, but not limited to, a
310 gift, loan, political contribution, reward or promise of future
311 employment based on any understanding that the vote, official action
312 or judgment of the public employee or public official would be or had
313 been influenced thereby.

314 Sec. 9. (NEW) (*Effective October 1, 2003*) (1) No paid consultant of a
315 municipality or special district shall represent a private interest in any
316 action or proceeding against the interest of the municipality or special
317 district that is in conflict with the performance of said person's duties
318 as a consultant.

319 (2) No paid consultant may represent anyone other than the
320 municipality or special district concerning any matter in which the
321 consultant participated personally and substantially as a consultant to
322 the municipality or special district.

323 (3) No paid consultant shall disclose confidential information
324 learned while performing the consultant's duties for the municipality

325 or special district nor shall the consultant use such information for the
326 financial interests of the consultant or others.

327 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) No former public
328 employee or public official shall appear for compensation before any
329 municipal or special district board or agency in which the employee or
330 official was formerly employed at any time within a period of one year
331 after termination of the employee's or official's service with the
332 municipality or special district.

333 (b) No former public employee or public official shall represent
334 anyone other than the municipality or special district concerning any
335 particular matter in which the employee or official participated
336 personally and substantially while in municipal service.

337 (c) No former public employee or public official shall disclose or use
338 confidential information acquired in the course of and by reason of the
339 employee's or official's official duties, for financial gain for himself or
340 others.

341 (d) No former public employee or public official who participated
342 substantially in the negotiation or award of a municipal or special
343 district contract obliging the municipality or special district to pay an
344 amount of one hundred thousand dollars or more, or who supervised
345 the negotiation or award of such a contract shall accept employment
346 with a party to the contract other than the municipality or special
347 district for a period of one year after such contract is signed.

348 Sec. 11. (NEW) (*Effective October 1, 2003*) (a) All public officials, and
349 such public employees as the chief elected official of the municipality
350 or special district shall designate, shall file with the municipal ethics
351 commission, under penalty of false statement, a statement of financial
352 interests for any calendar year in which the official or employee serves
353 in an office or position, on or before the following May first. Any such
354 individual who leaves such office or position shall file a statement of
355 financial interests covering that portion of the year during which the
356 individual held the office or position. The municipal ethics commission

357 shall notify such individuals of the requirements of this subsection
358 within thirty days after their departure from such office or position.
359 Such individuals shall file such statement within sixty days after
360 receipt of the notification.

361 (b) The statement of financial interests shall include the following
362 information for the preceding calendar year in regard to the individual
363 required to file the statement and the individual's spouse and
364 dependent children residing in the individual's household: (1) The
365 names of all businesses with which associated; (2) the category or type
366 of all sources of income in excess of two thousand dollars, without
367 specifying amounts of income; (3) the name of securities in excess of
368 ten thousand dollars at fair market value owned by such individual,
369 spouse or dependent children or held in the name of a corporation,
370 partnership or trust for the benefit of such individual, spouse or
371 dependent children; (4) the existence of any known blind trust and the
372 names of the trustees; (5) all real property and its location, whether
373 owned by such individual, spouse or dependent children or held in the
374 name of a corporation, partnership or trust for the benefit of such
375 individual, spouse or dependent children; (6) the names and addresses
376 of creditors to whom the individual, the individual's spouse or
377 dependent children, individually, owed debts of more than ten
378 thousand dollars; and (7) any leases or contracts with the municipality
379 or special district held or entered into by the individual or a business
380 with which he or she was associated.

381 (c) The statement of financial interests filed pursuant to this section
382 shall be a public record subject to disclosure under the Freedom of
383 Information Act, as defined in section 1-200 of the general statutes.

384 (d) Any individual who is unable to provide information required
385 under the provisions of subsection (b) of this section by reason of
386 impossibility may petition the commission for a waiver of said
387 provisions.

388 Sec. 12. (NEW) (*Effective October 1, 2003*) The municipal clerk of a

389 municipality shall cause a copy of the code to be distributed to every
 390 public employee and public official of the municipality or any special
 391 district located within the municipality, not later than sixty days after
 392 the effective date of this section. Each public employee and public
 393 official who is hired after the effective date of this section shall be
 394 furnished a copy of the code before entering upon the duties of the
 395 employee's or official's office or employment. A signed receipt for all
 396 copies shall be returned to the town clerk and retained on file.

397 Sec. 13. Section 7-148h of the general statutes is repealed and the
 398 following is substituted in lieu thereof (*Effective October 1, 2003*):

399 [(a)] Any town, city, district, as defined in section 7-324, or borough
 400 may, by charter provision or ordinance, establish a board, commission,
 401 council, committee or other agency to investigate allegations of
 402 unethical conduct, corrupting influence or illegal activities levied
 403 against any official, officer or employee of such town, city, district or
 404 borough. [The provisions of subsections (a) to (e), inclusive, of section
 405 1-82a shall apply to allegations before any such agency of such
 406 conduct, influence or activities, to an investigation of such allegations
 407 conducted prior to a probable cause finding, and to a finding of
 408 probable cause or no probable cause. Any board, commission, council,
 409 committee or other agency established pursuant to this section may
 410 issue subpoenas or subpoenas duces tecum, enforceable upon
 411 application to the Superior Court, to compel the attendance of persons
 412 at hearings and the production of books, documents, records and
 413 papers.]

414 [(b)] Notwithstanding the provisions of any special act, municipal
 415 charter or ordinance to the contrary, an elected official of any town,
 416 city, district or borough that has established a board, commission,
 417 council, committee or other agency under subsection (a) of this section,
 418 has an interest that is in substantial conflict with the proper discharge
 419 of the official's duties or employment in the public interest and of the
 420 official's responsibilities as prescribed by the laws of this state, if the
 421 official has reason to believe or expect that the official, the official's

422 spouse or dependent child, or a business with which he is associated,
423 as defined in section 1-79, will derive a direct monetary gain or suffer a
424 direct monetary loss, as the case may be, by reason of the official's
425 official activity. Any such elected official does not have an interest that
426 is in substantial conflict with the proper discharge of the official's
427 duties in the public interest and of the official's responsibilities as
428 prescribed by the laws of this state, if any benefit or detriment accrues
429 to the official, the official's spouse or dependent child, or a business
430 with which he, his spouse or such dependent child is associated as a
431 member of a profession, occupation or group to no greater extent than
432 to any other member of such profession, occupation or group. Any
433 such elected official who has a substantial conflict may not take official
434 action on the matter.]

435 Sec. 14. (NEW) (*Effective October 1, 2003*) (a) Any person having
436 knowledge of any matter involving corruption, unethical practices,
437 violation of state laws or regulations or a special act, municipal charter
438 or municipal ordinance, mismanagement, gross waste of funds, abuse
439 of authority or danger to the public safety, with regard to or occurring
440 in a department or agency of a municipality or special district, or any
441 person having knowledge of any matter involving corruption,
442 violation of state or federal laws or regulations or a special act,
443 municipal charter or municipal ordinance, gross waste of funds, abuse
444 of authority or danger to the public safety occurring in any large
445 municipal or special district contract, may transmit all facts and
446 information in such person's possession concerning such matter to the
447 Auditors of Public Accounts. The Auditors of Public Accounts shall
448 review such matter and report their findings and any
449 recommendations to the Attorney General. Upon receiving such a
450 report, the Attorney General shall make such investigation as the
451 Attorney General deems proper. At the request of the Attorney
452 General or on their own initiative, the auditors shall assist in the
453 investigation. The Attorney General shall have power to summon
454 witnesses, require the production of any necessary books, papers or
455 other documents and administer oaths to witnesses, where necessary,

456 for the purpose of investigation. Upon the conclusion of the Attorney
457 General's investigation, the Attorney General shall where necessary,
458 report the Attorney General's findings to the Governor, or in matters
459 involving criminal activity, to the Chief State's Attorney. The Auditors
460 of Public Accounts and the Attorney General shall not, after receipt of
461 any information from a person under the provisions of this section,
462 disclose the identity of such person without the person's consent
463 unless the Auditors of Public Accounts or the Attorney General
464 determine that such disclosure is unavoidable during the course of the
465 investigation.

466 (b) (1) No municipal or special district officer or employee, no
467 officer or employee of a large municipal or special district contractor
468 and no appointing authority shall take or threaten to take any
469 personnel action against any municipal or special district employee or
470 any employee of a large municipal or special district contractor in
471 retaliation for such employee's disclosure of information to the
472 Auditors of Public Accounts or the Attorney General under the
473 provisions of subsection (a) of this section.

474 (2) If a municipal or special district employee or an employee of a
475 large municipal or special district contractor alleges that a personnel
476 action has been threatened or taken in retaliation for such employee's
477 disclosure of information to the Auditors of Public Accounts or the
478 Attorney General under the provisions of subsection (a) of this section,
479 the employee may notify the Attorney General, who shall investigate
480 pursuant to subsection (a) of this section. After the conclusion of such
481 investigation, the Attorney General, the employee or the employee's
482 attorney may file a complaint concerning such personnel action with
483 the Chief Human Rights Referee designated under section 46a-57 of
484 the general statutes. The Chief Human Rights Referee shall assign the
485 complaint to a human rights referee appointed under section 46a-57 of
486 the general statutes, who shall conduct a hearing and issue a decision
487 concerning whether the officer or employee taking or threatening to
488 take the personnel action violated any provision of this section. If the
489 human rights referee finds such a violation, the referee may award the

490 aggrieved employee reinstatement to the employee's former position,
491 back pay and reestablishment of any employee benefits to which the
492 employee would otherwise have been eligible if such violation had not
493 occurred, reasonable attorneys' fees, and any other damages. For the
494 purposes of this subsection, such human rights referee shall act as an
495 independent hearing officer. The decision of a human rights referee
496 under this subsection may be appealed by any person who was a party
497 at such hearing, in accordance with the provisions of section 4-183 of
498 the general statutes.

499 (3) The Chief Human Rights Referee shall adopt regulations, in
500 accordance with the provisions of chapter 54 of the general statutes,
501 establishing the procedure for filing complaints and noticing and
502 conducting hearings under subdivision (2) of this subsection.

503 (4) As an alternative to the provisions of subdivisions (2) and (3) of
504 this subsection: (A) A municipal or special district employee who
505 alleges that a personnel action has been threatened or taken may, if
506 covered by a collective bargaining contract, file an appeal in
507 accordance with the procedure provided by such contract, or (B) an
508 employee of a large municipal or special district contractor alleging
509 that such action has been threatened or taken may, after exhausting all
510 available administrative remedies, bring a civil action in accordance
511 with the provisions of subsection (c) of section 31-51m of the general
512 statutes.

513 (5) In any proceeding under subdivision (2), (3) or (4) of this
514 subsection concerning a personnel action taken or threatened against
515 any municipal or special district employee or any employee of a large
516 municipal or special district contractor, which personnel action occurs
517 within one year after the employee first transmits facts and
518 information concerning a matter under subsection (a) of this section to
519 the Auditors of Public Accounts or the Attorney General, there shall be
520 a rebuttable presumption that the personnel action is in retaliation for
521 the action taken by the employee under subsection (a) of this section.

522 (c) Any employee of a municipality, special district or large
523 municipal or special district contractor, who is found to have
524 knowingly and maliciously made false charges under subsection (a) of
525 this section shall be subject to disciplinary action by such employee's
526 appointing authority up to and including dismissal. In the case of a
527 municipal or special district employee covered by a collective
528 bargaining contract, such action shall be subject to appeal in
529 accordance with the procedure provided by such contract.

530 (d) On or before September first, annually, the Auditors of Public
531 Accounts shall submit to the clerk of each house of the General
532 Assembly a report indicating the number of matters for which facts
533 and information were transmitted to the auditors pursuant to this
534 section during the preceding state fiscal year and the disposition of
535 each such matter.

536 (e) Each contract between a municipality or a special district and a
537 large municipal or special district contractor shall provide that, if an
538 officer, employee or appointing authority of a large municipal or
539 special district contractor takes or threatens to take any personnel
540 action against any employee of the contractor in retaliation for such
541 employee's disclosure of information to the Auditors of Public
542 Accounts or the Attorney General under the provisions of subsection
543 (a) of this section, the contractor shall be liable for a civil penalty of not
544 more than five thousand dollars for each offense, up to a maximum of
545 twenty per cent of the value of the contract. Each violation shall be a
546 separate and distinct offense and in the case of a continuing violation
547 each calendar day's continuance of the violation shall be deemed to be
548 a separate and distinct offense. The chief executive official of the
549 municipality or special district may request the Attorney General to
550 bring a civil action in the superior court for the judicial district of
551 Hartford to seek imposition and recovery of such civil penalty.

552 (f) Each large municipal or special district contractor shall post a
553 notice of the provisions of this section relating to such contractors in a
554 conspicuous place which is readily available for viewing by the

555 employees of the contractor.

556 (g) As used in this section:

557 (1) "Large municipal or special district contract" means a contract
558 between an entity and a municipality or special district, having a value
559 of five million dollars or more, except for a contract for the
560 construction, alteration or repair of any public building or public work;

561 (2) "Large municipal or special district contractor" means an entity
562 that has entered into a large municipal or special district contract with
563 a municipality or special district;

564 (3) "Municipality" means a town, city or borough; and

565 (4) "Special district" means a district established pursuant to section
566 7-324 of the general statutes.

567 Sec. 15. Section 54-47c of the general statutes is repealed and the
568 following is substituted in lieu thereof (*Effective October 1, 2003*):

569 (a) Any judge of the Superior Court, Appellate Court or Supreme
570 Court, the Chief State's Attorney or a state's attorney may make
571 application to a panel of judges for an investigation into the
572 commission of a crime or crimes whenever such applicant has
573 reasonable belief that the administration of justice requires an
574 investigation to determine whether or not there is probable cause to
575 believe that a crime or crimes have been committed.

576 (b) Each application for an investigation into the commission of a
577 crime or crimes shall be made in writing upon oath or affirmation to a
578 panel of judges. Each application shall include the following
579 information: (1) The identity of the applicant and his authority to make
580 such application; (2) a full and complete statement of the facts and
581 circumstances relied upon by the applicant to justify his reasonable
582 belief that the investigation will lead to a finding of probable cause that
583 a crime or crimes have been committed; and (3) a full and complete
584 statement of the facts concerning all previous applications known to

585 the applicant, made to any panel of judges, for investigation of any one
586 or more of the same criminal offenses involving any of the same
587 persons specified in the application, including the action taken by the
588 panel on each such application. The panel of judges may require such
589 additional testimony or documentary evidence in support of facts in
590 the application as it deems necessary. Such additional testimony shall
591 be transcribed.

592 (c) If the application is made by the Chief State's Attorney or a
593 state's attorney, it shall also include (1) a full and complete statement
594 of the status of the investigation and of the evidence collected as of the
595 date of such application, (2) if other normal investigative procedures
596 have been tried with respect to the alleged crime, a full and complete
597 statement specifying the other normal investigative procedures that
598 have been tried and the reasons such procedures have failed, (3) if
599 other normal investigative procedures have not been tried, a full and
600 complete statement of the reasons such procedures reasonably appear
601 to be unlikely to succeed if tried or be too dangerous to employ, and
602 (4) a full and complete statement of the reasons for the applicant's
603 belief that the appointment of an investigatory grand jury and the
604 investigative procedures employed by such investigatory grand jury
605 will lead to a finding of probable cause that a crime or crimes have
606 been committed. Notwithstanding the provisions of this subsection,
607 the statements under subdivisions (2) and (3) of this subsection shall
608 not be required for an application for an investigation into the
609 commission of a crime or crimes involving corruption in the
610 government of a municipality.

611 (d) The panel may approve the application and order an
612 investigation into the commission of a crime or crimes if it finds that
613 (1) the administration of justice requires an investigation to determine
614 whether or not there is probable cause to believe that a crime or crimes
615 have been committed, (2) if the application was made by the Chief
616 State's Attorney or a state's attorney, other normal investigative
617 procedures with respect to the alleged crime have been tried and have
618 failed or reasonably appear to be unlikely to succeed if tried or be too

619 dangerous to employ, and (3) the investigative procedures employed
 620 by an investigatory grand jury appear likely to succeed in determining
 621 whether or not there is probable cause to believe that a crime or crimes
 622 have been committed. Notwithstanding the provisions of this
 623 subsection, the panel may approve the application and order an
 624 investigation into the commission of a crime or crimes involving
 625 corruption in the government of a municipality without making a
 626 finding under subdivision (2) of this subsection.

627 Sec. 16. Section 54-47d of the general statutes is repealed and the
 628 following is substituted in lieu thereof (*Effective October 1, 2003*):

629 (a) If the panel approves the application and orders an investigation
 630 into the commission of a crime or crimes, the Chief Court
 631 Administrator shall (1) appoint an investigatory grand jury to conduct
 632 the investigation, and (2) designate the court location in the judicial
 633 district where any motions to quash and any contempt proceedings
 634 shall be heard and any findings and records of the investigation shall
 635 be filed.

636 (b) Each order authorizing the investigation into the commission of
 637 a crime or crimes by the panel shall specify: (1) The date of issuance of
 638 the order, (2) the period of time within which the investigation is to be
 639 conducted, provided in no event shall the investigation be longer than
 640 six months from the date the Chief Court Administrator appoints the
 641 investigatory grand jury to conduct the investigation, unless an
 642 application for an extension of time is filed and granted pursuant to
 643 subsection (c) of this section, (3) the scope of the investigation, and (4)
 644 the panel's reasons for finding that (A) the administration of justice
 645 requires an investigation to determine whether or not there is probable
 646 cause to believe that a crime or crimes have been committed, (B) if the
 647 application was made by the Chief State's Attorney or a state's
 648 attorney, other normal investigative procedures with respect to the
 649 alleged crime have been tried and have failed or reasonably appear to
 650 be unlikely to succeed if tried or be too dangerous to employ, and (C)
 651 the investigative procedures employed by the investigatory grand jury

652 appear likely to succeed in determining whether or not there is
653 probable cause to believe that a crime or crimes have been committed.
654 The panel shall retain a copy of the order and the original application
655 and shall transmit to the investigatory grand jury, appointed pursuant
656 to subsection (a) of this section, the original order and a copy of the
657 application filed with the panel. Notwithstanding the provisions of
658 this subsection, an order by the panel authorizing an investigation into
659 the commission of a crime or crimes involving corruption in the
660 government of a municipality shall not be required to include the
661 finding under subparagraph (B) of subdivision (4) of this subsection.

662 (c) The investigatory grand jury may make an application to the
663 panel of judges for an extension of time within which to conduct its
664 investigation or for an amendment to the scope of its investigation. The
665 application for extension or amendment shall set forth the reasons for
666 the necessity of such extension or amendment. No more than two
667 extensions or amendments of an order may be granted by the issuing
668 panel. The period of any extension shall be no longer than the panel
669 deems necessary to achieve the purposes for which it was granted and
670 in no event shall any extension be for a period longer than six months.

671 Sec. 17. Section 9-46 of the general statutes is repealed and the
672 following is substituted in lieu thereof (*Effective July 1, 2003*):

673 (a) A person shall forfeit such person's right to become an elector
674 and such person's privileges as an elector upon conviction of a felony
675 and committal to the custody of the Commissioner of Correction for
676 confinement in a correctional institution or facility or a community
677 residence, committal to confinement in a federal correctional
678 institution or facility, or committal to the custody of the chief
679 correctional official of any other state or a county of any other state for
680 confinement in a correctional institution or facility or a community
681 residence in such state or county.

682 (b) No person who has forfeited and not regained such person's
683 privileges as an elector, as provided in section 9-46a, may be a

684 candidate for or hold public office.

685 (c) No person who has been convicted of a public corruption crime
686 may be a candidate for public office, and no elected public official who
687 is convicted of a public corruption crime may continue to hold public
688 office. As used in this subsection, "public corruption crime" means a
689 violation of section 53a-122, 53a-123, 53a-124, 53a-138, 53a-139, 53a-147,
690 53a-148, 53a-149, 53a-150, 53a-151, 53a-151a, 53a-152, 53a-153, 53a-154,
691 53a-155, 53a-156, 53a-157a, 53a-158, 53a-161a, 53a-161c, 53a-161d, 53a-
692 165aa, 53a-166, 53a-172 or 53a-192, chapter 150, or 18 USC 666 (a)(1)(B),
693 18 USC 371, 18 USC 1341, 18 USC 1951, 18 USC 1962 (c) or (d), 18 USC
694 1963, or 26 USC 7206(1).

695 Sec. 18. Subsection (d) of section 9-333l of the general statutes is
696 repealed and the following is substituted in lieu thereof (*Effective*
697 *January 1, 2004*):

698 [(d) (1) No incumbent holding office shall, during the three months
699 preceding an election in which he is a candidate for reelection or
700 election to another office, use public funds to mail or print flyers or
701 other promotional materials intended to bring about his election or
702 reelection.]

703 (d) (1) Except as otherwise provided by law, no person shall use
704 funds, supplies, equipment, vehicles or facilities, which are owned by
705 or under the control of, the state, a political subdivision of the state or a
706 district, to promote the success or defeat of any candidate for
707 nomination or election to a public office or position or the success of
708 defeat of any political party. The use of capital facilities of the state, a
709 political subdivision of the state or a district for announcements of
710 candidacies or programs, or the conduct of meetings by a political
711 party or an organization, shall not be a violation of this subsection,
712 provided such capital facilities are available for such purposes to all
713 candidates for the same office or all political parties or organizations
714 on equal terms. The State Elections Enforcement Commission shall
715 adopt regulations, in accordance with the provisions of chapter 54, to

716 carry out the purposes of this subdivision. As used in this subdivision,
 717 (A) the term "to promote the success or defeat of any candidate" means
 718 any communication or activity that includes (i) a reference to the
 719 candidacy of any person, (ii) the accomplishments or failures of any
 720 candidate, (iii) a solicitation of any contributions, funds or other
 721 resources by or on behalf of any candidate or political party, or (iv) an
 722 exhortation, express or implied, to vote for or against any candidate or
 723 political party, except that such term shall not include any official state
 724 or municipal publication that is disseminated on a regular basis and is
 725 not prepared in connection with an election, and (B) "district" has the
 726 same meaning as district, as defined in section 7-324.

727 (2) No official or employee of the state or a political subdivision of
 728 the state shall authorize the use of public funds for a television, radio,
 729 newspaper or magazine promotional campaign or advertisement,
 730 which (A) features the name, face or voice of a candidate for public
 731 office, or (B) promotes the nomination or election of a candidate for
 732 public office, during the five-month period preceding the election
 733 being held for the office which the candidate described in this
 734 subdivision is seeking.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>

Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>
Sec. 18	<i>January 1, 2004</i>

JUD *Joint Favorable Subst.*